

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

JANUARY 22, 2002

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Vice Chairperson Kathryn Murphy at 10:00 a.m. on Tuesday, January 22, 2002, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

James Braun
Lisa Davis Cook - Left at 2:20 p.m.
Lori Glanzman
Darrell Hanson
Kathryn Murphy, Vice-Chair
Gary Priebe
Kelly Tobin - Arrived at 10:15
Rita Venner, Secretary

MEMBERS ABSENT

Terry Townsend

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

Motion was made by Darrell Hanson to add a decision item entitled Iowa Administrative Code, Chapter 150, Siting Permit Application for the Iowa Army Ammunition Plant. Seconded by Lori Glanzman. Motion carried unanimously

Motion was made by Lori Glanzman to approve the agenda as amended. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Lori Glanzman to approve the minutes of the December 17, 2001 meeting. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Director Jeff Vonk said the Governor released his proposed budget last week. Although the Department fairs pretty well in the proposed budget for fiscal year 2003 there is one area of concern. The water quality protection fund appropriation was zeroed out last fiscal year to be used for other purposes. At that time the Department felt it could endure the cut for one year but

it was very important that the money be reinstated in this year's budget. Since the Governor's proposed budget does not call for the restoration of that fund he will be working with the Governor's office and the Legislature to try to restore at least a portion of it. He said on the positive side, the Governor is asking for an additional million and a half for the REAP Fund, an increase of a half million dollars in the water quality monitoring program, a small increase in the volunteer program, and has essentially maintained the budget levels for last fiscal year.

CONTRACT WITH UNIVERSITY HYGIENIC LABORATORY FOR WATER QUALITY MONITORING AND LABORATORY SERVICES

Liz Christiansen, Interim Division Administrator for Energy and Geological Services Division, presented the following item.

The Department requests Commission approval of contract in the amount of \$1,163,879 with the University Hygienic Laboratory (UHL) for water monitoring activities.

This nine-month contract encompasses the majority of surface water monitoring conducted as part of the statewide water-monitoring program and is the primary basis for assessing the state's stream water quality. The purpose of the monitoring program is to define the condition of Iowa's water resources, characterize existing and emerging issues by geographic extent and magnitude, measure changes or trends in Iowa's water quality, and provide information to citizens and decision makers. To meet these goals, the Department utilizes the University Hygienic Laboratory for field sampling and analytical services. As part of this contract, UHL collects water samples at 81 stream sites throughout the state on a monthly basis and analyzes the water for a variety of parameters including nutrients, pesticides, pesticide breakdown products, bacteria, synthetic organic compounds, metals, and water chemistry. Twenty-three of these sites are located upstream and downstream of 10 large cities to measure the influence of urban areas on surface water quality. Because many of the water quality parameters of interest reach their peak concentrations during high stream flows, seven sites are sampled more frequently during runoff events to assess the impacts of heavy rainfall on stream quality. Funding for the citizen monitoring program, IOWATER, is also provided through this contract and includes the costs associated with training workshops (Level 1, Level 2, and Level 2 modules), two staff positions, and equipment for volunteers. Lastly, the contract contains provisions for special water quality studies that allow the Department to follow-up or verify abnormal results or pursue questions in greater depth.

Funding for this agreement is available from the RIIF State funds appropriated as part of the Iowa Water Quality Initiative.

Liz Christiansen briefed the Commission on the next two items on the Agenda.

Mary Skopec, Geologist II with the Geological Services Bureau said this contract is the backbone of the water quality monitoring program and covers 81 surface stations across the state, which monitors at a wide variety of parameters. It also covers three salaries and equipment for the Iowater Volunteer Monitoring Program. She said the Monitoring Program would be presented in detail on March 28, 2002 at Prairie High School in Cedar Rapids. She explained that

the reason the contract is only for nine months is because this is a State contract and the Department decided it should coincide with the State fiscal year to allow for better management of the funds.

Motion was made by Rita Venner to approve the contract as presented. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED.

CONTRACT WITH UNITED GEOLOGICAL SURVEY FOR STREAM GAGING, GROUNDWATER MEASUREMENTS, AND GROUNDWATER QUALITY MONITORING

Liz Christiansen, Interim Division Administrator for Energy and Geological Services Division, presented the following item.

The Department requests Commission approval of a contract in the amount of \$313,500 with the United States Geological Survey (USGS) for stream gaging and groundwater monitoring activities.

This contract continues the cooperative cost-share agreement between the Department and the USGS for a variety of activities including the measurement of stream flows, measurement of groundwater levels, sampling of municipal wells for groundwater quality, and measurement of sediment concentrations in streams. The majority of the contract amount will be used for stream gaging at 22 stream sites and 4 lake stations. Continuous stream discharge measurements at the USGS gages can be used to predict flooding as well as irrigation water supply. The measurement of stream flow is a critical element of a water-monitoring program because it is used in the calculation of mass loading of various contaminants to receiving water bodies. Similarly, this contract contains \$48,750 in funding for the measurement of groundwater levels across the state. These groundwater level measurements help to locate areas where groundwater is being withdrawn in excess of natural recharge levels or where drought conditions have negatively impacted the water levels. Also included in the contract is a portion (\$88,000) that covers the field costs of sampling of 150 municipal wells for groundwater quality. Sampling of municipal wells gives an indication of the raw groundwater quality prior to any softening, blending, or treatment that may be used by the municipal water utility. The final portion of the contract reinstates sediment sampling at 5 stream gaging stations at a cost of \$50,430. Two of these stations (Iowa River at Wapello and Skunk River at Augusta) were supported by the U.S. Army Corps of Engineers (COE) as long-term sediment stations for more than 20 years. When fiscal year 2002 budget cuts to the COE eliminated funding for these sediment stations, the Department incorporated these stations into the USGS contract to preserve the data record.

Funding for this agreement is available from State General Funds and the RIIF state funds appropriated as part of the Iowa Water Quality Initiative.

Mary Skopec said this contract covers stream gaging for the purpose of getting a flooding forecast and for the measurement of the amount of contaminant moving in a stream. It also covers water level measurement in ground water and monitoring of ground water wells for water

quality. The final portion of this contract is for sediment monitoring, which had been paid for in the past by the Army Corp of Engineers. Due to budget cuts the Corp chose to eliminate some 20 and 30-year records, which the Department chose to maintain.

Motion was made by Darrell Hanson to approve the contract as presented. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

EMERGENCY RULE – CHAPTER 118, REMOVAL AND DISPOSAL OF POLYCHLORINATED BIPHENYLS FROM WHITE GOODS PRIOR TO PROCESSING (SHREDDING OF APPLIANCES)

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

The Commission recently adopted revisions to Chapter 118, “Removal and Disposal of Polychlorinated Biphenyls (PCBs) From White Goods Prior to Processing”. These rules are scheduled to become effective on January 16, 2002. The adopted amendment amends recently adopted subrule 118.14(2). Subsequent to the filing of the final new Chapter 567-118, the department was notified of a concern on the part of effected industries that subrule 118.14(2), as adopted, could be interpreted to prohibit the importation of demanufactured appliances from outside of Iowa. Such a prohibition would have a serious, and unintended, impact on these Iowa businesses. The amended rule is intended to rectify this problem.

The department is requesting the approval and filing of this emergency rule in order to avoid the unintended negative impacts on Iowa businesses.

(A copy of the emergency rule is available in the Department’s Record Center.)

Liz Christiansen said this is being put through as a Emergency Rule because of a concern expressed with regard to the legal ramifications of accepting items from out of state for scrap processing without the Iowa stamp on them.

PUBLIC PARTICIPATION

Terry Zeien – Chapter 118 Emergency Rule

Terry Zeien from J and R Appliance Disposal said it is his opinion that this revision does not significantly change the spirit of the rule and he has no objection to this emergency rule.

Motion was made by James Braun to approve the Emergency Rule as presented. Seconded by Lori Glanzman. Motion carried unanimously..

APPROVED AS PRESENTED

FINAL RULE – CHAPTER 119, WASTE OIL; CHAPTER 144, HOUSEHOLD HAZARDOUS MATERIALS; CHAPTER 210, GRANTS FOR SOLID WASTE PLANNING; CHAPTER 211, GRANTS FOR REGIONAL COLLECTION CENTERS OF CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS AND HOUSEHOLD HAZARDOUS WASTE; CHAPTER 212, LOANS FOR WASTE REDUCTION AND RECYCLING PROJECTS; CHAPTER 214, HOUSEHOLD HAZARDOUS MATERIALS PROGRAM

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

The Director requests the Commission to adopt and file the enclosed amendments to Chapters 119, 144, 210, 211, 212, 214. The rule amendments update the rules. The amendments came before the commission for Notice of Intended Action at the September 2001 meeting. No changes have been made to the amendments.

A public hearing was held November 27, 2001. No one attended the public hearing and no written comments were received.

The following paragraphs provide a brief narrative of changes to existing rules by chapter.

Chapter 119 – Waste Oil

- Amended Division references to current Division name.
- Replaced old household hazardous material program symbol with new symbol.

Chapter 144 – Household Hazardous Materials

- Deleted all requirements pertaining to retailers that sell household hazardous materials place a label on shelves containing household hazardous materials. This requirement was deleted from Iowa Code 455F in 1998.
- Replaced old household hazardous material program symbol with new symbol.

Chapter 210 – Grants for Solid Waste Planning

- Deleted chapter in its entirety. Statutory authority repealed in 1987.

Chapter 211 – Grants for Regional Collection Centers of Conditionally Exempt Small Quantity Generators and Household Hazardous Waste

- Added new section 211.12 dealing with disposal funding assistance. Adding this section incorporates all regional collection center funding into one chapter. This section was moved from Chapter 214.11 and clarified.
- Replaced all references to Chapter 214.11 with 211.12.

Chapter 212 – Loans for Waste Reduction and Recycling Projects

- Deleted chapter in its entirety. Statutory authority repealed in 1995.

Chapter 214 – Household Hazardous Materials Program

- Amended division name to current name.
- Deleted 214.11. This section is being modified and added to Chapter 211 as new 211.12. This will place all funding assistance for regional collection centers in Chapter 211.
- Added “unless otherwise designated by the Department” in reference to soliciting proposals for education grants and toxic cleanup day events two times each year. This is necessary due to budgetary uncertainties and improved stakeholder responsiveness.

At this time, the Commission is requested to adopt and file amendments to Chapters 119, 144, 210, 211, 212, 214.

(A copy of the Final Rule and the Responsiveness Summary are available in the Department's Record Center.)

Liz Christiansen briefed the Commission on the history of the rulemaking. She said the Department received no written or verbal comments from the public on this rulemaking.

Motion was made by James Braun to approve the final rule as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Vice Chairperson Kathryn Murphy called for public participation and read the rules of order, which speakers would be asked to follow when addressing the Commission.

All the persons who signed up to speak chose to speak during the time that the actual item was discussed.

NOTICE OF INTENDED ACTION – CHAPTER 105, ORGANIC MATERIALS COMPOSTING FACILITIES (RESCISSION OF OLD AND ADOPTION OF NEW)

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

Attached for the Commission's approval is the Notice of Intended Action for the proposed rule making stated above. The Commission was presented with a draft of this Notice at its December meeting for informational purposes. Upon approval, the formal rule making process on the attached proposed rules will commence.

In response to the need to update and clarify existing administrative rules as directed by the Governor's Executive Order 8, the following brief and attachment are presented.

The Department held three advisory committee meetings. The 12-member advisory committee was comprised of representatives from compost facilities, environmental groups, state policy makers, and the department. The diversity of the committee ensured that all stakeholder groups had input in the rule revision process and all appropriate issues related to the composting of organic wastes would be addressed.

Highlights of the rules revisions include:

- Adding definitions of key terms;
- Inserting into rule a department policy concerning small compost facilities accepting off-premise food waste;
- Requiring permitted facilities to test for fecal coliform or Salmonella sp. bacteria before compost can be land applied, sold or given away; and

- Requiring financial assurance for permitted facilities accepting more than 5,000 tons per year of solid waste.

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Liz Christiansen said the public hearing for this rule would be held on March 14, 2002 at 11:00 a.m. in the 5th floor conference room of the Wallace State Office Building.

Motion was made by Lisa Davis Cook to approve the notice of intended action as presented. Seconded by Kelly Tobin. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – CHAPTER 117, REQUIREMENTS FOR WASTE TIRE FACILITIES; CHAPTER 219, BENEFICIAL USES OF WASTE TIRES (RESCISSION); CHAPTER 117 WASTE TIRE MANAGEMENT (NEW)

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

The Director requests the Commission approve this Notice of Intended Action to rescind administrative rule chapters 567-117 and 567-219, and to adopt a new chapter 567-117 as a replacement for the rescinded rules. These proposed rules were presented as an informational item at the last commission meeting.

This rule making rescinds two separate rules, one regarding the permitting of waste tire storage and processing sites (567-117), and the other providing beneficial use determinations for waste tires (567-219), and combines the rescinded rules within a new chapter. The new rule provides greater effectiveness, clarity, and consistency with legislative intent and statutory authority for waste tire management regulation, in accordance with the Governor's Executive Order No. 8, of September 14, 1999.

To assist in the process of the rule review and redraft, the department formed a rule review advisory committee with members from industries, businesses, and organizations involved in waste tire management issues. The committee reached consensus on where the rules could be revised to improve responsible waste tire management.

Committee members represented the following businesses and organizations:

- | | |
|--|-------------------------------------|
| • Black Hawk County Health Dept. | • Iowa Tire Dealers Association |
| • Holnam, Inc. | • Metro Waste Authority |
| • Iowa Dept. of Public Health | • State Fire Marshal Office |
| • Iowa League of Cities | • Tire Environmental Services, Inc. |
| • Iowa Society of Solid Waste Operations | • UT Tire Recyclers |
| • Iowa State Association of Counties | |

Highlights of the rule revisions include:

- Clearly defining that land disposal of waste tires is prohibited;
- Allowing temporary storage of more than 500 tires at a tire dealer or generator only if in mobile containers;
- Reducing the amount of pre-processed waste tires and processed waste tires that may be stored at a permitted tire processor; and
- Requiring waste products from tire processing to be regularly and properly disposed of.

Subject to approval of this Notice of Intended Action by the commission, the notice will be filed, and a public hearing and comment period for these rules will be scheduled.

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Liz Christiansen briefed the Commission on the rule making she explained that the Department will choose to rescind an old rule and adopt a new one when there are so many changes proposed as to make it confusing. She said the public hearing would be held on March 12, 2002 at 1:00 p.m. in the 5th floor conference room of the Wallace Building.

Gary Priebe asked what would happen when the Waste Tire Program Sunsets.

Liz Christiansen said although the Department is not proposing the extension of the program as part of their legislative packet this year, there were several organizations that would likely be working with Legislators to promote language to extend it.

Motion was made by Gary Priebe to approve the notice of intended action as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – 2002 POLLUTION PREVENTION (P2) INTERN PROGRAM

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

The Commission is requested to approve the Summer 2002 Pollution Prevention (P2) Intern Program initiated by the Pollution Prevention and Business Assistance Section (P2BAS) of the Land Quality and Waste Management Assistance Division. The total cost of the program will not exceed \$155,500. The funding will be used for intern salaries, program marketing, training and to provide a modest housing stipend to interns, as appropriate.

Thanks to the Commission's support and approval, the Summer 2001 Intern Program provided 14 Iowa host companies with specific, well-developed options for reducing pollution that

ultimately resulted in an actual cost savings of over \$1.5 million. Recommendations for further action could push that figure to more than \$5.3 million. Actual and potential implemented savings are 27 times the cost of the program.

Program Objectives

- ✓ Provide a forum where government, academia, and business work together to improve environmental stewardship through pollution prevention;
- ✓ provide participating companies with specific, well-developed options for reducing waste and saving money;
- ✓ keep qualified Iowa college graduates in Iowa; and to
- ✓ offer students hands-on experience in reducing waste in an industrial setting using pollution prevention strategies.

Program Overview

The Pollution Prevention (P2) Intern Program, the first of its kind in the state, was implemented in the summer of 2001 with funding from the Iowa Solid Waste Alternatives Program (SWAP). A novel marketing approach to 140 previous technical assistance assessment clients resulted in 57% of the companies requesting additional information. Company project proposals were reviewed in a competitive selection process. Students were matched with P2 projects based on academic achievement, project interest, and relative work experience.

The students completed a five day training session covering the history of regulatory statutes, pollution prevention methodology, development of a pollution prevention program, site assessment procedures, resource efficiency, environmental management systems, life cycle analysis and other economic considerations that were project specific. Guest speakers included Division Administrators and Bureau Chiefs from Iowa Department of Natural Resources (IDNR), Governor Tom Vilsack, representatives from the Environmental Protection Agency (EPA) Region 7, and the Iowa Waste Reduction Center.

During the remainder of the twelve week program, interns were responsible for researching and evaluating options for reducing waste and preventing pollution at the host company, including a cost comparison between the use of existing procedures and the proposed suggestions. Host company supervisors provided direct project supervision. Supervisors were responsible for developing work plans and ensuring management support of the project. In addition, the intern was paired with a pollution prevention engineer to provide technical support as needed. Interns submitted weekly progress reports ensuring program staff's monitoring of progress and handling of administrative/logistical issues. At the end of the internship, students submitted a final report outlining recommendations and project results to both the IDNR and host companies. Summer of 2001 case studies have been published and are being presented to you for your information.

(A copy of the 2001 Case Studies is available in the Department's Record Center.)

Liz Christiansen briefed the Commission on the contract. She said last year's this program was extremely successful resulting in cost savings to the host companies of approximately 1.5 million dollars.

Motion was made by Rita Venner to approve the contract as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

IOWA ADMINISTRATIVE CODE, CHAPTER 150, SITING PERMIT APPLICATION FOR THE IOWA ARMY AMMUNITION PLANT

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

Liz Christiansen said that the Department received an application for a siting permit for a hazardous waste treatment facility located on the Iowa Army Ammunition Plant site in Des Moines County. This facility produces munitions and wishes to augment their activities by accepting hazardous waste material from their contractors. This requires the Department to go through a siting process with this facility, pursuant to Chapter 150, which is something that has not been done in the recent past. It is a complicated issue, which will involve the active participation of the Commission. She said Jon Tack from the Compliance and Enforcement Bureau would explain the process that has to be followed.

Jon Tack said the Iowa Army Ammunition Plant has been in Des Moines County for a long time. The facility is located on a site between Burlington and Middleton and measures seven by five miles. They dispose of their own hazardous materials through a subsidiary company known as Advanced Environmental Technologies, whose facility is also on site. Advanced Environmental Technologies have permits from the EPA, from the Department's Air Quality Bureau, and from the U.S. Bureau of Alcohol, Tobacco, and Firearms. The material they process is hazardous because it is explosives and some of the chemicals used but does not involve radioactive materials, chemical or biological weapons. They have never needed a hazardous waste disposal permit because up to now they have only processed the material that they produced and owned. They now would like to be able to process materials from off site

The first step of the process was for Advanced Environmental Technologies to contact several agencies to find out who was responsible for issuing the permit. The next step was to publish a notice in the local paper for two weeks telling the citizens of the area of their intent to apply for this permit. They then submitted 27 copies the application to the Department, who then was responsible for sending copies to the agencies that issued the companies current permits. The Department is now waiting to hear back from those agencies as to whether or not the company's current permits are up date and whether or not the agencies have any objections to this application. The Department was also responsible for notifying the Middleton City Council and the County Board of Supervisors in Des Moines County to let them know that they had the right to add up to two temporary commissioners per agency to sit for a hearing as to whether or not the Environmental Protection Commission will grant this siting permit.

Those letters went out on January 4, and the City Council and Board of Supervisors have until February 3 to let the Department know of their decision. If appointed the temporary Commissioners would sit only to hear this matter and the hearing would likely be held in Des Moines County.

He said the rules allow the Commission to ask the Department of Inspections and Appeals to appoint an administrative law judge to assist them in this process. Since this has never been done before and can be complicated it is the opinion of the Department that the Commission should make the request.

At the February meeting the Commission will need to schedule a time and place for the public hearing, and determine the deadline for submission of evidence. The hearing has to be within 120 days of the date that the Department formally accepts the application, which has not yet happened.

Motion was made by Darrell Hanson to request the assignment of an administrative law judge to assist the Commission in the process of reviewing the siting application for the Iowa Army Ammunition Plant. Seconded by James Braun. Motion carried unanimously.

APPROVED

CONTRACT – UNIVERSAL HYGIENIC LAB, 2002 TMDL MONITORING

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve a \$406,330 contract with University of Iowa Hygienic Laboratory (UHL) for water quality monitoring related to the establishment of Total Maximum Daily Loads (TMDLs) on two rivers and six lakes. The contract work will include monthly and event water quality monitoring for:

- twelve sites on Iowa tributaries to the Big Sioux River for ten months beginning in March 2002;
- nine tributaries and two mainstem sites for the Cedar River for twelve months beginning in January 2002;
- six sites on Lower Gar Lake and its tributaries in Dickinson County, seven sites on Badger Creek Lake and its tributaries in Madison County, and six sites on Lake Darling and its tributaries in Washington County for six months beginning in March 2002, and
- five sites on Lake Meyer and its tributaries in Winneshiek County, four sites on Upper Gar Lake and its tributaries in Dickinson County, and six sites on Don Williams Lake and its tributaries in Boone County for eight months beginning in March 2002.

The contract will also provide for up to \$40,000 to be spent on additional, unforeseen monitoring on these waterbodies that may be required to accurately develop the TMDLs. This contingency amount is included in the total contract amount. In addition, the contract will provide funds for the purchase of automatic water quality samplers for sample collection on the Cedar River tributaries.

All of the above waterbodies are on the 303(d) impaired waters list and it is anticipated a TMDL will be calculated for these waters within the next several years. Iowa law requires that only credible data be used in developing a TMDL and the information gathered from these efforts would meet that requirement.

The sites in the Cedar River basin are part of an existing larger network to assemble data for development of a TMDL for the Cedar River for nitrates and fecal coliform bacteria in 2005. The project on the Big Sioux River is being conducted simultaneously with a similar project being conducted by the State of South Dakota. The fecal coliform bacteria TMDL for the Big Sioux River is due in 2004.

EPA Section 104(b)(3) grant funds will be used for the Big Sioux River tributary and Lower Gar Lake sampling (\$70,000) and automatic samplers (\$67,400). The balance of the monitoring will be funded by EPA Section 319 funds awarded expressly for this purpose.

Mike Valde briefed the commission on the contract. He said the State of Iowa has a list of 157 impaired waters and EPA requires that the Department establish Total Maximum Daily Limits (TMDL's) for each of those bodies of water within the next ten years. He said the TMDL is a plan and model to demonstrate how those impaired bodies of water will be brought into compliance.

Motion was made by Gary Priebe to approve the contract as presented. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

**NOTICE OF INTENDED ACTION – CHAPTER 22, CONTROLLING POLLUTION
(MINIMUM TITLE V FEES)**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action to amend Chapter 22, "Controlling Pollution" 567 Iowa Administrative Code.

The purpose of this rulemaking is to set a minimum Title V fee of \$1,000 based on a task force recommendation. The Department created the task force to address a request by business and industry to consider options for restructuring the Title V fee. The Department facilitated four meetings with 10 representative Title V facilities to evaluate possible alternatives to the current fee structure. After discussing many alternatives, the task force decided to go forward with a minimum annual fee of \$1,000. The task force felt that all facilities should pay a minimum fee for the basic services Title V facilities receive from the Department. This minimum fee is not a new fee, but simply a reallocation of the current fee structure. The Department will not receive additional funds from this change to the fee structure.

At the December EPC meeting, the commission requested additional information, which has been provide for this meeting. The attached spreadsheet describes the different alternative considered at the task force meetings.

A public hearing will be held on March 14, 2002, at the Air Quality Bureau. All comments must be received no later than March 22, 2002.

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Mike Valde briefed the Commission on the history of the rule making. He reviewed the spreadsheet showing the different options the rule making committee had looked at.

Corey McCoid said he had been a member of the task force that discussed this issue. He said one of reasons behind the decision was that small fee payers that are subject to Title V are paying on hazardous air pollutants and therefore should be paying a little more.

Pete Hamlin said part of the rational for this decision was that it takes as much staff time frequently to issue a Title V permit for a small source for some of the bigger sources.

PUBLIC PARTICIPATION

Dwarek, Jeff (Title V Minimum Fee)

Jeff Dwarek, Director of Operations for Metro Waste Authority distributed a handout and said he was there to represent Iowa Society of Solid Waste Operators (ISOSWO). He said the members of ISOSWO feel that going to a minimum Title V permit fee is a bad idea because it works against environmental protection by reducing or eliminating economic incentives to reduce air emissions. It will place an unfair burden on small businesses and future permit holders would be penalized. He said the fee should be based on actual emissions. He said the respectfully request that the Environmental Protection Commission terminates the rule making procedure at this point.

Morton, Hal (Minimum Title V Fees)

Hal Morton, Executive Director for Des Moines County Regional Solid Waste Commission said he supports the statements made by the ISOSWO representative. He handed out a spreadsheet showing how the proposed rule would have affected each of the permit holders using the figures from the past year. He then used the same data but grouped it according to corporate ownership, which showed that only one member of the committee would end up paying more if the proposed rules were passed the rest would be allowed to pay less.

Robertson, Joe (Minimum Title V Fees)

Joe Robertson, representing the Marshall County Landfill said he supports the position paper submitted by ISOSWO. He said he had been asked by Scott Smith from Boone County Landfill to convey his support of ISOSWO's position as well. Mr. Robertson said that this rulemaking

would establish a regressive fee and remove any economic incentive for the small producers to hold their emissions to a low level.

Motion was made by Gary Priebe to terminate the rulemaking. Seconded by Rita Venner. Motion carried unanimously.

RULEMAKING TERMINATED

REFERRALS TO THE ATTORNEY GENERAL

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

a. Keokuk Steel Castings (Keokuk) – air quality

Mike Murphy said the Department was requesting that Matrix Metal Limited Liability Corporation, who acquired Keokuk Steel Castings Company, be referred to the Attorney General regarding alleged air quality violations. The Company is a steel casting facility located in Keokuk. They were issued administrative orders in 1997 and 1998, which were appealed and resulted in a settlement in February of 2001. Since that time, the company has had difficulty demonstrating compliance with permitted emissions limits. The company performed testing around the end of May and beginning of June, which showed even though the company was operating well below capacity they were unable to remain in compliance in most cases. Notices of violation were sent in July but to date the Department has not received an adequate response. The Department feels that this matter warrants referral to the Attorney General.

McAllister, Jane (Keokuk Steel Castings)

Jane McAllister, with Ahlers Law Firm, representing Matrix Metal Limited Liability Corporation distributed a handout to the Commissioners. She requested that the Commission not refer this case to the Attorney General because they feel the allegations in some places were unfounded and other places have been resolved. She said if the Commission had any questions, Mike Taylor, controller for the company, Bill Bartlett, Director of Human Resources, and Mick Durham, a consultant with Stanley Consultants, which was the consulting firm on these issues were in attendance to answer them. She said Dale Weathersby, Director of Environment Safety and Health was also there and would like to make a few comments when she was finished.

She said Matrix Metal took over the facility on May 2, 2001, since that time they have spent a large amount of money on air compliance issues. They did not own and operate the company

when the administrative orders were issued and should not be held responsible for any past activities.

She said the Department alleges that Keokuk Steel Castings had not responded to any of their correspondence in this matter but company records show that they responded to almost every one in a timely fashion. She said due to a miscommunication between the company and their consultant the applications for capacity limits and permit modifications were not submitted to the Department. With regard to visible emissions, on May 29th the company had communicated with the inspector for the Department and told him of plans to build a new system to prevent the visible emissions. She said this conversation is noted on the inspection report. The litigation report alleges that Keokuk Steel Castings did not check the bags often enough, when in fact they had been changing the bags every six to eight months. The normal life expectancy of a bag is estimated at 18 months. In response to the charge of failure to obtain a construction permit, the piece of equipment in question has been taken off line and therefore no longer needs a construction permit. This piece of equipment had been in use at Keokuk Steel Castings for over six years and Dale Weathersby had asked DNR officials on several occasions if it needed a construction permit and was told it did not. She said that referring to the Attorney General to get a higher penalty amount would be punitive to the company. Matrix Metals at this time is serious financial circumstances at this plant.

Weathersby, Dale (Keokuk Steel Castings)

Dale Weathersby, Director of Environmental Safety and Health for Keokuk Steel Castings said Matrix has been controlling the company since May, they have 358 active employees, which is at a low point. Since Matrix has taken over, \$190,569 trying to address the issues mentioned in the litigation report.

Lengthy discussion followed.

<i>Motion was made by Rita Venner to refer Keokuk Steel Castings to the Attorney General. Seconded by Darrell Hanson. Motion carried unanimously.</i>

REFERRED

NOTICE OF INTENDED ACTION – CHAPTER 65 ANIMAL FEEDING OPERATIONS (PROPOSED FEE INCREASE FOR CERTIFIED MANURE APPLICATORS)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

455B.203A of the Iowa Code requires that manure applicators in the state be certified. The department is directed by the statute to adopt requirements for certification and to administer the continuing instructional courses. The department contracts with Iowa State University extension to provide continuing education for purposes of meeting the standards of being a certified applicator. The statute further provides that the department **may** charge a fee for certifying persons. Any fee must be based on the costs of administering and enforcing and paying the

expenses of the department related to certification. Since the General Assembly did not provide any direct funding for this program, the department, by rule, established a \$50 fee when the program was initiated.

A \$50 fee is no longer sufficient to cover the costs associated with the program. Iowa State University and the Department have prepared estimated budgets for this program and have presented this information to the AACO committee. Based on the budget estimates, the following fees are proposed. \$200 annually for commercial applicators and \$100 annually for confinement site applicators. AACO has supported this proposed fee increase, but does suggest that there is a substantial public benefit associated with having trained and certified manure applicators in the state.

It is recommended that this proposal be sent to public hearing for gathering public input into this proposal.

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Mike Valde briefed the Commission on the item. He said the current fee for certifying manure applicators is \$50 per year and is insufficient to cover the training program.

Wayne Gieselman said Iowa State Extension Service has been providing the training and has been operating at a loss for the past three years. He said the public hearing for this rulemaking would be held on March 20, 2002.

Motion was made by Rita Venner to approve the rulemaking as presented. Seconded by Kelly Tobin. Motion carried with Darrell Hanson abstaining from voting on the issue.

APPROVED AS PRESENTED

REFERRALS TO THE ATTORNEY GENERAL

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- b. Pigman, Ltd. (Shelby County) – animal feeding operation

Mike Murphy said that the Department was expecting to receive a signed consent administrative order from Pigman, Ltd but has not received one to date.

Motion was made by Darrell Hanson to refer Pigman, Ltd. Seconded by Lori Glanzman. Motion carried unanimously.

REFERRED

- c. City of Lamoni – water quality

Mike Murphy asked the Commission to table this referral for thirty days.

Motion was made by Lori Glanzman to table the referral for the City of Lamoni for thirty days. Seconded by Darrell Hanson. Motion carried unanimously.

TABLED

- d. Wisconsin North, LLC. (Bettendorf/Clinton) – underground tanks

Mike Murphy said the company owns at least three underground tank sites in Iowa, two in Clinton and one in Bettendorf. All three have received Administrative Orders in the past year that included penalties. None of the orders were appealed, penalties were not paid in a timely manner, and the company has failed follow through on some of the affirmative steps that were required.

Motion was made by James Braun to refer Wisconsin North, LLC to the Attorney General. Seconded by Darrell Hanson. Motion carried unanimously.

REFERRED

PROPOSED RULE – CHAPTER 22, CONTROLLING POLLUTION (TITLE V INSIGNIFICANT ACTIVITIES RULE)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

These rules are being presented this month as proposed rules, for information purposes only. The Commission will be asked to approve the attached Notice of Intended Action to amend Chapter 22, “Controlling Pollution” 567 Iowa Administrative Code at their February meeting.

The purpose of this rulemaking is to clarify the Title V insignificant activities by condensing some of the sections and adding a general introduction to the rule. Secondly, this rulemaking adds more categories of insignificant activities to subrule 22.103(1). Finally, this rulemaking revises the insignificant emission levels found in subrule 22.103(2).

This rulemaking is the result of a cooperative process between the department and representatives of the Iowa Association of Business and Industry (ABI). Both the department and ABI are interested in reducing the regulatory burden on industry where the emissions of air contaminant sources are likely to have little impact.

An informational meeting will be held at 10:30 a.m. in conference rooms 3 and 4 on January 24, 2001, at the Air Quality Bureau offices in Urbandale. Tentatively a public hearing will be held on May 2, 2002 at 10:30 am in conference rooms 3 and 4 at the Air Quality Bureau offices in Urbandale. The comment period on these rules will close May 3, 2002.

Mike Valde briefed the Commission on the rational behind the rule change.

INFORMATION ONLY

MONTHLY REPORTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

PROPOSAL	Notice to Commissions	Notice Published	ARC #	Rules Review Committee	Hearing	Comment Period	Final Summary To Commission	Rules Adopted	Rules Published	ARC #	Rules Review Committee	Rule Effective
1. Ch. 1, V and 11 - EPC Quorum Voting Requirements	9/17/01	10/17/01	1020B	11/13/01	11/08/01	11/19/01	*2/18/02	2/18/02	3/20/02		4/09/02	4/24/02
2. Ch 20, 22 - Air Quality Rules	5/21/01	6/13/01	0736B	7/10/01	7/19/01	7/27/01	12/17/01 TERMINATION	12/17/01	1/09/02		2/05/02	2/13/02
3. Ch. 20, 22, 23, and 25 - Air Quality Updates, Revisions and Additions	11/19/01	12/12/01	1191B	1/08/02	1/10/02	1/25/02	2/18/02	2/18/02	3/20/02		4/09/02	4/24/02
4. Ch. 22 - Exempt Small Emission Units and Indoor Sources from AQ Construction Permitting	9/17/01	10/17/01	1024B	11/13/01	11/26/01	11/30/01	2/18/02	2/18/02	3/20/02		4/09/02	4/24/02
5. Ch. 22 - Revised Deadline for Timely Submittal of Title V Permits	9/17/01	10/17/01	1021B	11/13/01	11/15/01	11/30/01	12/17/01	12/17/01	1/09/02		2/04/02	2/13/02
6. Ch. 22 - Controlling Pollution - Maximum Title V Fee	1/22/02	2/20/02		3/05/02			4/15/02	4/15/02	5/15/02		6/04/02	6/19/02
7. Ch. 22 - Title V Insignificant Activities	2/18/02	3/20/02		4/09/02			5/20/02	5/20/02	6/12/02		7/09/02	7/17/02
8. Ch. 44, 92 & 93 - State Revolving Funds for Drinking Water, Wastewater and On-Site Systems	10/22/01	11/14/01	1122B	12/11/01	12/04/01	12/04/01	2/18/02	2/18/02	3/20/02		4/09/02	4/24/02
9. Ch. 61 - WQ Standards - Section 404 Permits	12/17/01	1/09/02		2/04/02	1/29/02 1/30/02 2/1/02 2/04/02 2/05/02 2/06/02	2/18/02	3/18/02	3/18/02	4/17/02		5/07/02	5/22/02
10. Ch. 61A - WQ Assessment - Qualified Volunteers	12/17/01	2/06/02		3/05/02			4/15/02	4/15/02	5/15/02		6/04/02	6/19/02
11. Ch. 65 - Pre-Construction Manure Management Plan Requirements	8/20/01	9/19/01	0938B	10/02/01	10/17/01	10/17/01	12/17/01	12/17/01	1/09/02		2/04/02	2/13/02
12. Ch. 65 - Proposed Fee Increase for Certified Manure Applicators	1/22/02	2/20/02		3/05/02			4/15/02	4/15/02	5/15/02		6/04/02	6/19/02
13. Ch. 65 - Definition of Adjacency for Open Feedlots	2/18/02	3/20/02		4/09/02			5/20/02	5/20/02	6/12/02		7/09/02	7/17/02
14. Ch. 104, 106 - Recycling Operations	2/18/02	3/20/02		4/09/02			5/20/02	5/20/02	6/12/02		7/09/02	7/17/02
15. Ch. 105 - Organic Materials Composting Facilities	1/22/02	2/20/02		3/05/02			4/15/02	4/15/02	5/15/02		6/04/02	6/19/02
16. Ch. 107 - Beverage Container Deposits	12/17/01	1/09/02		2/04/02	1/29/02	1/29/02	3/18/02	3/18/02	4/17/02		5/07/02	5/14/02
17. Ch. 109 - Special Waste Authorizations	11/19/01	12/12/01	1190B	1/08/02	1/03/02	1/04/02	3/18/02	3/18/02	4/17/02		5/07/02	5/22/02
18. Ch. 111 - Financial Assurance Requirements for Municipal SW Landfills	12/17/01	1/09/02		2/04/02	2/12/02	2/12/02	3/18/02	3/18/02	4/17/02		5/07/02	5/14/02
19. Ch. 117, Ch. 219 - Waste Tire Management	1/22/02	2/20/02		3/04/02			4/15/02	4/15/02	5/15/02		6/04/02	6/19/02
20. Ch. 118 - Shredding of Appliances							1/22/02	1/22/02	2/20/02		3/05/02	2/01/02
21. Ch. 119, 144, 210, 211, 212												

8.214 - Waste Management Asst. Division Rule Revisions	9/17/01	10/17/01	1022B	11/13/01	11/27/01	11/27/01	1/22/02	1/22/02	2/09/02		3/05/02	3/27/02
22. Ch. 132 - Transportation of Radioactive Materials in Iowa	10/22/01	11/14/01	1123B	12/11/01		12/04/01	2/18/02	2/18/01	3/20/02		4/09/02	4/24/02
23. Ch. 134 - Certification of Groundwater Professionals	9/17/01	10/17/01	1023B	11/13/01	11/06/01	11/09/01	12/17/01	12/17/01	1/09/02		2/04/02	2/13/02
24. Ch. 135 - Technical Standards and Corrective Action Requirements Owners/Operators of USTs	9/17/01	10/17/01	1019B	11/13/01	11/06/01	11/09/01	12/17/01	12/17/01	1/09/02		*2/04/02	2/13/02
25. Ch. 136 - Financial Responsibility for USTs	12/17/01	1/09/02		2/05/02	1/29/02	2/01/02	3/18/02	3/18/02	4/02/02		5/07/02	5/14/02

Monthly Variance Report December, 2001						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Alliant Energy-Ottumwa Generating Station-Ottumwa	Air Quality		Permit Requirements	Approved	12/11/01
2	Industrial Energy Applications @ Climax Molybdenum Company-Fort Madison	Air Quality		Permit Requirements	Approved	12/27/01
3	Southwest Branch Dry Run Creek Detention Basin-Black Hawk County	Flood Plain	Earth Tech	Backwater	Approved	12/21/01
4	Equistar Chemicals LP-Clinton County	Wastewater Operation		Treatment Agreement	Approved	12/21/01
5	Natural Gas Pipeline Company of America, Inc.-Louisa County	Wastewater Operation		Underground Injection	Approved	12/21/01
6	Bluestem Site #1 Sanitary Landfill-Linn County	Solid Waste	Howard R. Green Company	Permit Conditions	Approved	12/11/01
7	Dubuque, City of-Water Pollution Control Plant	Solid Waste	Paul J. Horsfall, Plant Manager	Permit Exemptions	Approved	12/28/01
8	Iowa City, City of-Sanitary Landfill	Solid Waste	Howard R. Green Company	Permit Conditions	Approved	12/11/01

During the period December 1, 2001, through December 31, 2001, 57 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance					Mode				
	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	73 (60)	9 (3)	51 (42)	13 (14)	28 (22)	36 (32)	2 (0)	0 (1)	2 (1)	5 (4)
November	72 (58)	8 (4)	49 (40)	15 (14)	28 (19)	33 (32)	2 (0)	1 (4)	0 (1)	8 (2)
December	57 (44)	2 (0)	44 (28)	11 (16)	22 (10)	28 (31)	2 (0)	0 (1)	2 (0)	3 (2)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)

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April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	202 (162)	19 (7)	144 (110)	39 (44)	78 (51)	97 (95)	6 (0)	1 (6)	4 (2)	16 (8)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
12	10	10	2	15	8

* The "Other" column includes the categories from the database of – Dumping, fire, Theft, Vandalism, Unknown and Other.

During the period December 1, 2001, through December 31, 2001, 3 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	4 (5)	0 (0)	2 (2)	2 (2)	0 (1)	3 (4)	0 (1)	1 (0)	0 (0)	2 (1)
November	9 (3)	1 (0)	2 (2)	2 (1)	3 (0)	7 (3)	1 (0)	0 (0)	0 (0)	1 (1)
December	3 (2)	0 (0)	2 (1)	0 (1)	1 (0)	2 (2)	0 (0)	1 (0)	0 (0)	1 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	16 (10)	1 (0)	6 (5)	4 (4)	0 (0)	12 (9)	1 (1)	2 (0)	0 (0)	4 (2)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	3	0	0	0

Name, Location and

Program

Alleged Violation

Action

Date

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Field Office Number

Jolly Roger Recreation and Marine, Inc., North Liberty (6)	Wastewater	Operation Without Permit	Order/Penalty \$2,000	11/30/01
Keith Stoterau; Hopp Construction Co., Inc., Shelby Co. (4)	Wastewater	Pollution Prevention Plan Violations	Order/Penalty \$5,000	11/30/01
Artistic Manufacturing Corp., Altoona (5)	Wastewater	Pretreatment	Order/Penalty \$2,000	11/30/01
Warren Frozen Foods, Inc. Altoona (5)	Wastewater	Pretreatment	Order/Penalty \$10,000	11/30/01
Altoona, City of (5)	Wastewater	Discharge Limits; Compliance Schedule	Order/Penalty \$10,000	11/30/01
Allison Ag Center, Butler Co. (2)	Wastewater; Hazardous Condition	Prohibited Discharge; Water Quality Violations – General Criteria; Failure to Notify	Amended Order	11/30/01
Hamilton, City of (5)	Wastewater	Prohibited Discharge	Order	11/30/01
Heartland Express, Inc. of Iowa, Coralville (6)	Underground Tank	Site Assessment	Order/Penalty \$5,390	11/30/01
Minnesota Mining and Manufacturing Co. d/b/a 3M Company, Knoxville (5)	Air Quality	Construction Without Permit	Consent Amendment	11/30/01
Whispering Pines Plat One; Van Meter Development Corp. Joint Adventure, Van Meter (5)	Wastewater	Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty \$4,000	11/30/01
Roger Eblen; Eblen Development, LLC; Duane Menke; Negus Sons, Inc., Council Bluffs (4)	Wastewater	Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty \$10,000	11/30/01
Darrel Henderson, Hamilton Co. (2)	Animal Feeding Operation	Prohibited Discharge; Water Quality Violations – General Criteria	Order	11/30/01
Leon Bachman, Buchanan Co. (1)	Air Quality	Open Burning	Order/Penalty \$500	11/30/01
Graham Manufacturing Corp., Mason City (2)	Wastewater	Prohibited Discharge; Water Quality Violations – General Criteria	Order/Penalty \$3,000	11/30/01
Ajinomoto Heartland, Inc., Eddyville (5)	Wastewater	Prohibited Discharge; Water Quality Violations – General Criteria	Order/Penalty \$4,000	11/30/01
Lynn Barry Harrison Co. (4)	Animal Feeding Operation	Prohibited Discharge – Confinement	Consent Order \$3,000	12/06/01
Iowa Skate U, Iowa falls (2)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate	Order/Penalty \$600	12/11/01
John Cox, Pottawattamie Co. (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$3,000	12/11/01
Coralville, City of (6)	Wastewater	Prohibited Discharge	Order/Penalty \$3,000	12/11/01
Kountry School, Garnavillo (1)	Drinking Water	Operation Without Permit; Monitoring/Reporting –	Order/Penalty \$400	12/11/01

Nitrate; Public Notice

Adrian Skoda; Bowlaway Lanes, New Hampton (2)	Drinking Water	Permit Renewal Fees; Monitoring/Reporting – Bacteria; Public Notice	Order/Penalty \$500	12/13/01
Scooter's Tower Club, Cresco (1)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Order/Penalty \$300	12/13/01
Hale Tap, Olin (1)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Permit Renewal Fees; Public Notice	Order/Penalty \$200	12/13/01
Lonnie King, Marion Co. (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order Recission	12/13/01
Robert Ward, Lee Co. (6)	Wastewater	Stormwater – Operation Without Permit	Order/Penalty \$1,450	12/13/01
George Redman, Mitchellville (5)	Air Quality	Open Burning	Order/Penalty \$6,000	12/13/01
Joe & Mary Schuster d/b/a Better-Flo, Webster Co. (2)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty \$1,000	12/13/01
Dennis Heithoff, Carroll (4)	Animal Feeding Operation	Land Application Separation Distance; Failure to Update Plan	Order/Penalty \$2,000	12/13/01
Kollasch Land and Livestock, Inc., Poweshiek Co. (5)	Animal Feeding Operation	Construction Without Permit; Operational Violations – Freeboard; Failure to Empty Discontinued Facility	Consent Order \$500	12/13/01
Montgomery County Landfill Assoc., Red Oak (4)	Solid Waste	Comprehensive Planning Violation	Order/Penalty \$5,000	12/26/01
Bee Rite Tire Disposal, Inc., Rhodes (5)	Hazardous Condition	Remedial Action	Emergency Order	12/26/01
Advanced Component Technologies, Northwood (2)	Air Quality	Construction Contrary to Permit	Consent Amendment	12/27/01
Metro Wrecking, Inc. d/b/a Metro Wrecking and Excavating, Polk Co. (5)	Air Quality	Asbestos	Consent Amendment	12/27/01
Art's Way Manufacturing Co., Armstrong (3)	Air Quality	Construction Contrary to Permit	Order/Penalty \$5,000	12/27/01
Advance Millwork, Inc., North Liberty (6)	Air Quality	Other	Order/Penalty \$5,000	12/27/01
Riceville, City of (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Amendment	12/31/01

The following administrative penalties are due:

Name and Location	Program	Amount	Due Date
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99

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* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Steve Friesth (Webster Co.)	AQ/SW	4,000	6-05-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
* Rimade, Inc. (Manning)	SW/WW	1,000	8-01-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Coralville Lake Terrace Assoc. (Johnson Co.)	WS	1,500	9-05-00
John Smith d/b/a Four-Corners Tap (Lockridge)	AQ/SW	1,000	9-24-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
American Legion – Swisher Post #671 (Swisher)	WS	500	12-25-00
Sac City, City of	WW	2,400	1-01-01
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Robert Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
* Robert Simon (Dubuque Co.)	AQ/SW	1,600	3-02-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
Max Dalhauser (West Bend)	UT	670	5-15-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
* Seven Ponds Park (Sperry)	WS	100	6-15-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
* Metro Wrecking d/b/a Metro Wrecking & Excavating (Clive)	AQ	2,500	7-18-01
T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly)	AQ	2,000	7-28-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	1,000	8-04-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
*#Roger Bockes, et. al. (Tama Co.)	AFO	2,000	9-15-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Carpenter Bar & Grill (Carpenter)	WS	100	9-28-01
Minnesota Rubber Company (Mason City)	AQ	1,000	9-30-01
* R.V. Hopkins, Inc. (Davenport)	AQ	Int.	10-01-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	10-27-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
# Empire Land and Cattle Co. (Crawford Co.)	AFO	3,000	11-09-01
U.S. Petro, Inc.; Sam Singh (Bettendorf)	UT	14,000	11-16-01
Martin Marietta Materials, Inc. (Webster Co.) (SEP)	SW	17,500	11-17-01
* Fred Konfrst d/b/a Fred's Trash Service (Mills Co.)	AQ/SW	1,000	11-21-01
Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant)	UT	1,000	12-02-01
Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines)	UT	1,000	12-02-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
# Dave Hansel (Hamilton Co.)	AFO	1,300	1-26-02
Bunge Corporation (Council Bluffs)	AQ	4,000	1-27-01
Advanced Component Technologies (Northwood)	AQ	3,500	1-28-02
Crestview Trailer Park (Ames)	WS	2,500	1-28-02
Warren Frozen Foods (Altoona)	WW	10,000	2-04-02
Jolly Roger Recreation and Marine, Inc. (North Liberty)	WW	2,000	2-05-02
Artistic Manufacturing Corp. (Altoona)	WW	2,000	2-05-02
Heartland Express, Inc. of Iowa (Coralville)	UT	5,390	2-05-02
Leon Bachman (Independence)	AQ	500	2-08-02

Roger Eblen; Eblen Develop.; Duane Menke; Negus-Sons	WW	10,000	2-08-02
Ajinomoto Heartland, Inc. (Eddyville)	WW	4,000	2-09-02
Coralville, City of	WW	3,000	2-11-02
George Redman (Mitchellville)	AQ	6,000	2-13-02
Adrian Skoda; Bowlaway Lanes (New Hampton)	WS	500	2-13-02
Kountry School (Garnavillo)	WS	400	2-15-02
Hale Tap (Olin)	WS	200	2-15-02
John Cox (Pottawattamie Co.)	AQ/SW	3,000	2-16-02
Scooters Tower Club (Cresco)	WS	300	2-18-02
# Dennis Heithoff (Carroll)	AFO	2,000	2-19-02
* Kiefer Built, Inc. (Kanawha)	AQ	7,500	4-30-02
* Quality Mat Co., Inc. (Waterloo)	AQ	5,696	12-01-02
Independence Mobile Home Park (Independence)	WS	800	-----
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	4,000	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
PM Beef Group, LLC (Hartley) SEP	WW	4,380	-----
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	-----
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	-----
# Norm O'Bannon d/b/a O'Bannon Finishing (Buena Vista Co.)	AFO/SW	2,500	-----
# Lynn Barry (Harrison Co.) SEP	AFO	3,000	-----
Iowa Skate U (Iowa Falls)	WS	600	-----
Robert Ward (Lee Co.)	WW	1,450	-----
Advance Millwork, Inc. (North Liberty)	AQ	5,000	-----
Art's Way Manufacturing Co. (Armstrong)	AQ	5,000	-----
Montgomery County Landfill Association (Red Oak)	SW	5,000	-----
# Kollasch Land & Livestock, Inc. (Keokuk Co.)	AFO	500	-----

TOTAL 282,446

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98

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Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000	
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
* Lester Holmes; Todd Holmes (Lucas County)	AQ	4,000	10-15-00
James Harter (Fairfield)	WW	1,800	1-29-00
# Rustad Farms, Inc. (Butler Co.)	AFO	3,000	10-06-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 th Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Winter Mobile Home Park (New Hampton)	WS	2,500	11-19-00
Winter Mobile Home Park (New Hampton)	WS	1,000	6-13-00
Lindhahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Osterdock Store (Guttenberg)	WS	500	10-16-00
West Liberty, City of	WW	5,000	

TOTAL 173,354

The following administrative penalties have been appealed:

Name and Location

Name and Location	Program	Amount
Frank Hulshizer (Benton Co.)	SW	500
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Titan Wheel International, Inc. (Walcott)	WW	10,000
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Dallas County Care Facility (Adel)	WW	2,500
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Dayton, City of	WW	10,000
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
# Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
# Robert Fisher (Hamilton Co.)	AFO	3,000
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Leonard Rayonds; Randy Schleusner (Hancock Co.)	AFO	3,000
Benefit Water District #2 (Boone Co.)	WS	2,500
Minsa Corporation (Red Oak)	WW	10,000
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500

New Virginia Sanitary District (New Virginia)	WW	5,000
LT Tap (Waucoma)	WS	500
Minnesota Mining and Manufacturing d/b/a 3M (Knoxville)	AQ	1,000
# Leo Pieper (Guthrie Co.)	AFO	2,500
Boondocks Truck Haven (Williams)	WS	2,750
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
AGP Grain Cooperative (Klemme)	AQ	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Brecht Enterprises, Inc. (Iowa Co.)	AQ/SW	4,000
The Farmers Co-Operative Society d/b/a Wesley Coop	AQ	5,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Dodgen Industries d/b/a Cabinet Masters, Inc. (Humboldt)	AQ	6,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
Duane Crees (Muscatine Co.)	AQ/SW	1,160
James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	2,950
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
Braddyville, City of	WW	3,500
John Saathoff (Grafton)	AQ	500
# Floyd Kroeze (Butler Co.)	AFO	3,000
Sunnybrook Mobile Home Park (Polk Co.)	WW	5,000
Carter Lake, City of	SW	2,000
Jefferson, City of	WW	5,000
Richard Thompson d/b/a/ Thompson Auto Parts (Story Co.)	WW/SW	1,000
Jefferson, City of	WW	5,000
Onawa Country Club (Onawa)	WS	1,500
Jemco, Inc.; Bud Nelson (Audubon)	UT	3,570
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Shewry L.P.; Don Shewry (Davenport)	WW	7,500
GMNW Investments, L.L.C. (Hamburg)	WW	5,000
Eagle Investors dba Manson Ampride (Manson)	UT	4,650
Gene Moeller Oil Co. (Fort Dodge)	UT	6,000
Noble Ford Mercury, Inc. (Indianola)	WW	5,000
John Hoth (Tama)	UT	9,250
Used Tire Sales & Service (Webster Co.)	SW	10,000
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600
James Clark (Logan)	UT	3,500
Midland Transportation Co. (Marshalltown)	UT	4,460
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
* Lester Davis (Polk Co.)	AQ	1,080
Long Branch Maintenance Corp. (Earlham)	WW	5,000
ABC Disposal Systems, Inc. (Hiawatha)	SW	5,000
Nevada, City of	UT	5,600
Trajet Products, Inc. (Glenwood)	AQ	10,000
Earlham, City of	WW	10,000
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000
Bob Luke (Washington Co.)	AQ/SW/WW	4,000
Mark Broderick (Dallas Co.)	WW	4,000
Lawrence Korver d/b/a Korver Development (Orange City)	WW	5,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
Finney Industrial Painting, Inc. (Fairfield)	AQ	2,500
Clearfield, City of	WW	3,500
Clearfield Community School District (Clearfield)	WW	1,000
LeMars, City of	WW	10,000

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Dallas County Care Facility (Adel)	WW	5,000
# Dave Kabelas; Frank & Darlene Kabelas (Cedar Co.)	AFO	2,000
# Max and Phyllis Graber; Burdean Graber (Washington Co.)	AFO	2,000
Altoona, City of	WW	10,000
Joe & Mary Schuster d/b/a Better-Flo (Callendar)	AQ/SW	1,000
Lessard Contracting (Pottawattamie Co.)	WW	2,500
Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	5,000
# Duane Majewski (Butler Co.)	AFO	3,000

TOTAL 435,740

The following administrative penalties were paid last month:

Name and Location	Program	Amount
Bruening Rock Products, Inc. (Decorah)	WW	5,000
* Fred Konfrst d/b/a Fred's Trash Service (Mills Co.)	AQ/SW	500
* Metro Wrecking d/b/a Metro Wrecking & Excavating (Clive)	AQ	500
Envirobate Management Services (Johnston)	AQ	1,500
* Metro Wrecking d/b/a Metro Wrecking & Excavating (Clive)	AQ	3,000
* R.V. Hopkins, Inc. (Davenport) INTEREST	AQ	500
Dostal Construction, Inc. (Tama Co.)	AQ/SW	2,000
* Lorene Logue (Lucas Co.) PAID IN FULL	AQ/SW	62.50
Clarence, City of	WW	500
* Quality Mat Co., Inc. (Waterloo)	AQ	2,803
# Fairlawn Farms, Inc. (Jones Co.)	AFO	3,000
#*Neal Anthony dba Anthony's Trucking (LeMars) PAID IN FULL	AFO	1,200
Riceville, City of	AQ/SW	575
Boyer Valley Company (Arion)	WW	2,500
TOTAL		23,640.50

Name	Location	and Region	Program	Alleged Violation	DNR Action	New or Updated Status	Date
10 th Hole Food & Spirits			Drinking	Monitoring/Reporting –		Referred	3/19/01
Calamus	UPDATED		Water	Bacteria, Nitrate	Order/Penalty	Motion for Judgment	8/20/01
						Hearing	9/05/01
						Order (\$1,000/Admin.)	9/12/01
Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer							
Iowa City (6)			Air Quality	Asbestos	Referred to Attorney General	Referred	3/20/00
						Petition Filed	4/19/00
						Motion for Partial	2/26/01
						Summary Judgment	
						Ruling Denying Motion	4/20/01
						Trial Date	2/04/02
Affordable Asbestos Removal, Inc.							
Jeffrey Intelkofer			Air Quality	DNR Defendant	Defense	Petition Filed	12/28/00
Iowa City (6)						Answer	1/18/01
						Ruling	7/09/01
						Defendant's	
						Notice of Appeal	7/30/01
Bierman, Elaine and Kurt			Drinking	Monitoring/Reporting –			
d/b/a Osterdock Store			Water	Bacteria; MCL –			
Guttenberg (1)				Bacteria; Public Notice	Order/Penalty	Referred	7/16/01
Castenson, David;			Wastewater	DNR Defendant	Defense	Petition Filed	7/17/00
Kristi A. Castenson,						Motion to Strike	8/07/00
Barbara June Cummins;						Answer	8/15/00
Velma Castenson d/b/a						Petitioner's Motion to	10/03/00
B & D Farms						Adjudicate Law Points	

Webster Co. (2)				State's Resistance	10/16/00
Crane, John & Frieda d/b/a Hillside Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order	Referred	2/19/01
Holnam Incorporated Mason City (2) UPDATED	Air Quality	Excess Emissions	Referred to Attorney General	Referred Closed	3/15/99 1/02/02
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Indian Creek Corp. Jasper Co. (5) UPDATED	Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Hearing Ruling Denying Partial Summary Judgment Trial Judgment (\$95,000/Civil-Injunction)	4/17/00 9/27/00 8/10/01 9/11/01 9/14/01 10/24 & 10/25/01 11/19/01
Larson, Daryl Jones Co. (1)	Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred Petition Filed Answer Motion for Summary Judgment Hearing Ruling (\$80,000 Clean-up Costs) Trial on Liability	5/17/99 11/02/00 12/07/00 7/16/01 8/31/01 9/02/01 12/19/01
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition	4/17/99 6/01/01
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Permit	Without Referred to Attorney General	Referred Petition Filed Trial Date	8/17/98 11/05/99 10/29/02
Lindahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	5/21/01
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99

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Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order/Penalty	Referred	2/19/01
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order)	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00
Sunrise Dairy Farms, LLC Benton Co. (1)	Animal Feeding Operation	Construction Without Permit; Prohibited Discharge; Failure to Report a Release; Failure to Update MMP; Uncertified Applicator; Water Quality Violations	Referred to Attorney General	Referred	8/20/01
Swine Graphics Enterprises, L.P. Sam Gray Finishing Unit Clarke Co. (5) DATED	Animal Feeding Operation	Prohibited Discharge – Confinement	Referred to Attorney General	Referred Consent Decreet (\$15,000/Civil)	9/17/01 12/06/01
Thomas, Donald L. and Barbara S. Linn Co. UPDATED	Solid Waste	DNR Defendant	Defense	Petition for Judicial Review Answer	9/21/01 10/29/01
West Liberty, City of (6)	Wastewater	Discharge Limits; Operational Violations	Order/Penalty	Referred	7/16/01
White, Robert Jeff White, Dave Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Dismissed Without Prejudice Petition Against Dave White Filed Answer Filed Trial Order (Clean-Up and Injunction) Penalty Hearing Order Assessing Civil Penalties (\$10,000)	4/20/98 2/05/99 9/24/99 11/15/99 12/06/99 1/31/01 2/27/01 10/04/01 10/04/01
Williams Pipeline Company LLC Waterloo/Dubuque/ Milford (1, 3)	Air Quality	Construction Permit	Without Order	Referred	7/16/01
Winter Mobile Home Park	Drinking Water	Operation Permit;	Without Order/Penalty	Referred Petition Filed	4/16/01 9/17/01

New Hampton (1)
UPDATED

Monitoring/Reporting –
 Bacteria

Wunschel Oil Co.;				Referred	1/17/95
Vernus Wunschel	Underground		Referred to	Motion for Judgment	8/28/96
and Jaquelyn Wunschel	Tank	Site Assessment	Attorney	Consent Decree	
Battle Creek (3)			General	\$6,400/Admin.)	12/13/96
				Referred	3/30/98
				Petition Filed	9/01/00
				Defendant's	
				Motion to Dismiss	9/08/00
				State's Resistance	9/19/00
				Denial of Defendant's	
				Motion to Dismiss	11/07/00
				Motion for Partial	
				Summary Judgment	2/16/01
				Hearing	4/26/01
				Order Granting Partial	
				Summary Judgment	5/09/01
				Notice of Appeal	6/07/01
				State's Motion to Dismiss	6/18/01
				Defendant's	
				Motion to Dismiss	6/19/01
				State's Resistance	6/20/01
				Defendant's	
				Dismissal of Appeal	7/06/01
				Order Denying Defendant's	
				Motion to Dismiss	7/20/01
				Trial Date	6/11/02

11/03/89	Bridgestone/ Firestone, Inc.	5	Site Registry	HC	Tack	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
6/20/90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	11/30/01 – WW permits staff, final permit to be issued in 12/01.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	Closure permit issued 1/10/00. Closure to be completed by 9/1/01.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up. Clean-up scheduled for 10/01.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	7/01 – City referred for Admin. Order for wastewater violations.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	3/27/01 – Revised treatment agreement entered into between Titan and City of Walcott. 5/31/01 – FO contacted regarding appeal resolution.
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	10/01 – Per WW permits staff company engineer to provide additional information on new land application site. 11/08/01 – Status report received from WW permits concerning Dept. approval of land application sites.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96. 6/9/00 – Initial remedial measures completed. Final treatment system

						expected to begin operation by 11/01/01.
6/20/95	Toledo, City of	5	Permit Conditions	WW	Hansen	12/01/01 – Meeting at FO 5 set for 1/12/02.
7/05/95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hansen	Penalty payment received 12/20/01. Closed.
7/10/95	Gilbert Persinger/ Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. 4/01 – Received Tier 2.
8/01/95	Wilbur McNear d/b/a McNear Oil Co. /Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Placed on state lead. Negotiating penalty.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	Negotiating before filing. Attorneys contacted 2/99. Reassigned 6/1/01/
1/12/96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	11/14/01 – City attorney letter to ALJ advising of settlement. ALJ order continuing hearing pending payment of penalty. Appeal will be closed by ALJ once penalty is paid. 12/18/01 – Penalty payment received.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Compliance inspection 9/27/00. Satisfactory compliance achieved. Penalty settlement negotiations commenced.
5/07/96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review. 2/27/99 0 FO contacted regarding appeal resolution. 5/1/01 – FO5 contacted regarding resolution of appeal.
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	9/19/01 and 9/25/01 – Per Dept. TC's with company, company will send letter concerning resolution of appeal. 10/5/01 – Response received from company, order review by WW permits staff. 11/15/01 – Letter received regarding new site for land application.
8/09/96	Gene and Margaret Palmerheim d/b/a G & M Service Mart 8LT593	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty. Placed on State lead.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	5/1/01 – WW staff contacted regarding resolution of appeal. 7/31/01 – Status report request from WW permits section. 9/28/01 – WW Permits Section contacted regarding resolution of appeal.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up near completion as of 6/20/00. Pallets 95% ground. Dept. assisting in identifying markets for mulch.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	6/28/01 – Proposed referral concerning NPDES permit violations to be place on July EPC agenda. 7/16/01 – Referral to AG office by EPC.

11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Book	12/27/01 – Sent to DIA.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	5/1/01 – Preliminary engineering report approved 3/01; will monitor progress.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	5/18/00 – Notification of imminent transfer to DIA. 7/5/00 – Appellant's attorney requests additional time for expert consultation.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Admin. Order rescinded. Case closed.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	12/1/01 – City progressing on facility improvements. Will monitor for progress.
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Settlement letter sent by solid waste section 12/20/99.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title Operation Permit Conditions V	AQ	Preziosi	Settlement close.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Paying penalty on payment plan. 8/01 – Penalty payment renegotiated – lump sum settlement due 10/15/01.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Settlement close.
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Book	Hearing held 4/28/00. Judgment for DNR 11/20/00 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Linn County District Court issued ruling and affirmed in part, remanded in part. Affordable has filed an appeal to the Supreme Court on the ruling. 8/01 - Company filed a motion to stay Supreme Court portion until the ALJ rules on the remanded portion. Supreme Court denied motion; ALJ will now rule on the remanded portion of the decision, awaiting the ALJ decision.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Settlement close.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	Set for hearing 1/18/02.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating. Requested guidance from EPA. Deadline 6/01/01. 6/29/01 – Awaiting EPA response. Meeting set for 9/20/01.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Compliance nearly completed. Penalty negotiations to begin upon compliance.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating. Requested guidance

						from EPA. Deadline 6/01/01. 6/29/01 – Awaiting EPA response. Meeting set for 9/20/01.
12/01/99 12/08/99	Iowa Select Farms, L.P. /AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/10/99	Leonard Rayhons; Randy Schleusner	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/00	New Virginia Sanitary Sewer District	5	Admin. Order	WW	Murphy	12//01 – Facility upgrade nearing completion.
2/07/00	Benefit Water District #2	5	Admin. Order/Penalty	WS	Murphy	Set for hearing 2/4/02. Settled. Awaiting penalty payment.
2/22/00	MINSA Corporation	4	Admin. Order/Penalty	WW	Murphy	10/24/01 – Settlement proposal.
3/02/00	Dennis Severson d/b/a Huxley Dry Cleaners	5	Admin. Order/Penalty	AQ	Preziosi	Hearing held 7/17/01. ALJ decision dated 8/1/01 upheld order..
3/21/00	Bruening Rock Products, Inc.	1	Admin. Order/Penalty	WW	Clark	10/23/01 – Settlement acceptance letter from Bruening. 11/8/01 – Field office confirms completion of remedial work. 12/31/01 – Settled. Closed.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/21/00	LT Tap	1	Admin. Order/Penalty	WS	Clark	Negotiating before filing.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	10/26/01 – Update from Dept. engr. regarding status of City's project. 12/01 – Letter received from City's engineer regarding compliance with permit schedule.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order/Penalty	SW/HC	Tack	District court ordered clean-up underway. Third party clean-up of site started 2/23/01. Final clean-up to be completed after thaw.
5/10/00	3M Company	5	Admin. Order/Penalty	AQ	Preziosi	Negotiations continue.
6/08/00	Leo Pieper	4	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
8/02/00	Wacker Biochem Corp.	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Construction permit application on file. Responsible part is working with WW section to achieve compliance. Penalty to be negotiated after compliance is achieved.
8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/27/00	Brecht Enterprises, Inc.	6	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer made to former attorney on 11/30/00. Offer renewed 5/2/01 directly to responsible party. New attorney retained by responsible party. Settlement negotiations resumed.
9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Order Penalty	AQ	Preziosi	Negotiating before filing.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	Hearing continued. 5/31/01 –

						Preliminary engineering report submitted.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Meeting held 6/19/01. Negotiations continue.
10/05/00	Sylvan Acres	1	Admin. Order	WS	Hansen	8/30/01 – Dept. letter to WS agreeing to hold appeal in abeyance until WS connected to alternate water source. Status report requested of WS regarding progress of connection to another source. 9/20/01 – Status report received from WS. Connection to new source to be completed 12/01.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Dodgen Industries, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Meeting held 6/01. Settlement close.
10/06/00	Duane Crees	6	Admin. Order/Penalty	AQ/SW	Tack	Settled. Penalty payment due 12/31/01.
10/20/00	AGP, Ag Processing	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/17/00	Swisher American Legion - #671	6	Admin. Order/Penalty	WS	Tack	Compliance to be reviewed through 10/01. Penalty negotiations to begin after review. 9/01 – Remedial measures completed. Additional testing under way.
11/17/00	James Nizzi d/b/a Alice's Spaghettiland	5	Admin. Order/Penalty	WS	Hansen	11/6/01 – Settled. Facility agreed to pay penalty in installments. 11/29/01 – First installment of penalty received. 12/31/01 – Follow-up letter sent regarding penalty payment due.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Proposed decision issued 11/21/01 upholding AO. Deadline for appeal to EPC is 12/21/01.
11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	Hearing set for 12/20/01.
11/28/00	AGP Ag Processing (Emmetsburg)	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	Mediation conducted 3/1/01. Compliance proposal submitted 4/2/01. Preliminary engineering report submitted 5/31/01.
12/05/00	Braddyville, City of	6	Admin. Order/Penalty	WW	Hansen	11/28/01 – Hearing continued due to illness of City Attorney's brother. Hearing rest for 2/8/01.
12/12/00	University of Northern Iowa	1	Permit Modification Denial	AQ	Book	Facility still intends to resubmit the application. Waiting on consultant and other projects.
1/11/01	Guardian Industries	1	Permit Conditions	AQ	Book	Mtg. held 8/17/01; construction permits currently reviewing additional information that has been submitted. Permits that will resolve the appeal are on public comment now. permits issued; letter sent to the facility – will likely resolve the appeal.
2/05/01	Fred Konfrst	4	Admin. Order/Penalty	AQ/SW	Tack	Compliance achieved. Penalty settled for \$2,500 to be paid in 5 payments. First penalty payment received.
2/21/01	John Saathoff	2	Admin. Order/Penalty	AQ	Book	FO reports that site is in process of being cleaned up. He had done some clean-up, some remains. Letter sent with new deadline of 9/28/01. Mr. Saathoff's family will work with Dept. to resolve matter. 12/01 – Another letter

						sent to the family, no response. If no response is received by month's end, will be set for hearing.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/19/01	Sunnybrook Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	5/11/01 – Letter to City engineer regarding settlement of penalty upon completion of upgrade. 5/21/01 – City engineer letter stating they agree that Dept. could hold appeal in abeyance pending completion of upgrade. 12/31/01 – Settlement offer drafted. Construction complete.
3/27/01	Carter Lake, City of	4	Admin. Order/Penalty	SW	Tack	City is reviewing compliance options. Update due to Department 8/22/01. Hearing set for 1/11/02.
3/27/01	Bonaparte, City of	6	Permit Conditions	WW	Hansen	3/28/01 – WW permits contacted for information on appeal issues. 5/8/01 – City Clerk and operator contacted concerning appeal. 6/14/01 – City council meeting to consider approval of preliminary plan of action. 7/11/01 – Dept. received preliminary plan of action from City; under review by WW permits section and FO. 8/6/01 – FO6 letter to City requiring submittal of Plan of Action by professional engineer by 1/1/02.
4/04/01	The Woods at Fox Hollow Homeowners Assn.	6	Permit Conditions	WS	Hansen	4/18/01 – Discussion with appellant regarding compliance status of WS and permit appeal. FO6 to meet with appellant. 5/23/01 – WS section supervisor attended meeting with residents to discuss appeal. 6/20/01 – Status report requested from WS section. 7/20/01 – Status report requested from WS section. 7/23/01 – Status report received; appeal still under review by WS section. 8/2/01 – WS section letter to WS regarding appeal. 8/23/01 – Dept. sent follow-up letter to WS regarding appeal and monitoring requirements. 8/23/01 – WS sent letter to WS section stating monitoring would be initiated. WS has begun to monitor but has not completed all required monitoring. 11/17/01 – Dept. copied on letter from homeowner's association to developer concerning installation of a third well for the subdivision.
4/13/01	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Meeting set for 12/03/01.
4/16/01	Richard Thompson; Thompson Auto Parts	5	Admin. Order/Penalty	SW/WW	Tack	Clean-up underway. Penalty to be reviewed after completion of site clean-up.
4/27/01	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/01/01	Onawa Country Club and Golf Course	4	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
5/03/01	Harlan Municipal Utilities (Hallett)	4	Water Use Permit	WR	Clark	9/4/01 - Hearing continued indefinitely pending settlement negotiations. 11/21/01 – Harlan files dismissal of appeal. 11/29/01

						– Order for dismissal. Closed.
5/04/01	EnviroBate Management Services	5	Admin. Order/Penalty	AQ	Book	9/01 – Agreement reached. Consent amendment sent. 12/07/01 – Penalty received. Case closed.
5/08/01	JEMCO; Bud Nelsen	4	Admin. Order/Penalty	UT	Wornson	Compliance initiated. Negotiating penalty.
5/10/01	Hackert's Wood Products, Inc.	6	Permit Denial	FP	Clark	12/6/01 – Appeal withdrawn. Closed.
5/17/01	Plano, City of	5	Admin. Order	WW	Hansen	9/28/01 – Dept. letter to City regarding appeal. 10/10/01 – Response received from Mayor regarding appeal and CDBG pre-application.
5/25/01	Shewry L.P.; Don Shewry	1	Admin. Order/Penalty	WW	Murphy	12/01 – Settlement offer under consideration.
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
5/30/01	GMNW Investments, L.L.C.	4	Admin. Order/Penalty	WW	Murphy	1/3/02 – Sent to DIA. Settlement offer made.
6/13/01	Gene Moeller Oil Co.	2	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/18/01	Noble Ford Mercury	5	Admin. Order/Penalty	WW	Hansen	7/19/01 – Letter sent to company regarding appeal. 8/15/01 – Company letter to Dept. agreeing to schedule in the order.
6/19/01	Eagle Investors, LLP d/b/a Manson Ampride	4	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/19/01	John Hoth	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/25/01	Used Tire Sales & Service, Inc.	2	Admin. Order/Penalty	SW	Tack	Hearing set for 1/03/02. Depositions to be scheduled.
6/27/01	Dostal Construction	5	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer sent 7/18/01.
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/WW	Hansen	11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision.
7/02/01	Bulk Petroleum Corp. d/b/a Citgo	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/02/01	James A. Clark	4	Admin. Order/Penalty	UT	Wornson	11/01/01 – Sent inability to pay forms.
7/10/01	Midway Oil Co. (West Branch – 8603858)	6	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/10/01	Midway Oil Co. (Davenport – 8602775)	6	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/11/01	Lester Davis	5	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
7/16/01	Midland Transportation Co.	1	Admin. Order/Penalty	UT	Wornson	Midland filed for bankruptcy.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Informal settlement reached.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	Hearing set for 1/07/02.
8/15/01	Trajet Products, Inc.	4	Admin. Order/Penalty	AQ	Preziosi	Meeting held 8/29/01. Negotiations continue.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 4 on 9/17/01. Tentative agreement reached on revised schedule.
8/21/01	Clinton, City of	6	Admin. Order/Penalty	WW	Hansen	9/20/01 – Penalty received.
8/21/01	Earlham, City of	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 5. 10/31/01 – Dept. settlement offer to City. 11/21/01 – City attorney responded to Dept. settlement

						offer with counter offer. 11/29/01 – Dept. follow-up letter to City. 12/18/01 – City attorney responded to Dept. offer.
8/27/01	Lehigh Portland Cement Co. (42)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/25/01	Lawrence Lenertz	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
9/28/01	Bob Luke d/b/a D & R Tree Service	6	Admin. Order/Penalty	AQ/SW/WW	Tack	Negotiating before filing.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
10/02/01	Lawrence "Bub" Korver d/b/a Korver Development Co.	3	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
10/03/01	Mark Broderick	5	Admin. Order/Penalty	WW	Murphy	1/02 - Settled. Awaiting penalty payment.
10/08/01	Ervin Jones; City of Swisher	6	Certification Denial	WW	Wornson	Negotiating before filing.
10/22/01	Gemini Incorporated		Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/26/01	Postville, City of	1	Certification Suspension	WS	Wornson	Negotiating before filing.
10/26/01	Riceville, City of	2	Admin. Order/Penalty	AQ/SW	Book	Consent amendment. Penalty paid. Closed.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/HC	Wornson	Negotiating before filing.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
11/08/01	Finney Industrial Painting	6	Admin. Order/Penalty	AQ	Book	Meeting cancelled due to illness; meeting to be rescheduled.
11/12/01	Allison Ag Center	2	Admin. Order/Penalty	WW/HC	Murphy	Fish restitution and penalty received. Closed.
11/14/01	Bee Rite Tire Disposal, Inc.	5	Notice of Intent to Revoke Permit	SW	Tack	Negotiating before filing.
11/19/01	Advanced Component Technologies	2	Admin. Order/Penalty	AQ	Book	Consent amendment, penalty paid. Closed.
11/19/01	Clearfield Community School District	4	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/21/01	Clearfield, City of	4	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/30/01	Dave Kabela	6	Admin. Order/Penalty	AFO	Clark	New case.
12/03/01	Farmers Cooperative Co.	4	Admin. Order	AQ	Book	New case. Meeting scheduled for 1/09/02. Will develop compliance plan to incorporate into the settlement of appeal.
12/06/01	Pella Corporation; Sioux Center and Pella	5	Permit Conditions	AQ	Preziosi	New case.
12/07/01	Crestwood Acres	1	Admin. Order	WS	Murphy	New case. Settlement proposal by PWS 12/26/01.
12/10/01	Max and Phyllis Graber; Burdean Graber	6	Admin. Order/Penalty	AFO	Clark	New case.
12/10/01	Blair's Ferry Manor	1	Admin. Order	WS	Murphy	New case. Settlement proposal by PWS 12/26/01.
12/12/01	Duane Majewski	2	Admin. Order/Penalty	AFO	Clark	New case.
12/17/01	Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	New case.
12/21/01	Altoona, City of	5	Admin. Order/Penalty	WW	Murphy	New case.

12/24/01	Lessard Contracting, Inc.	4	Admin. Order/Penalty	WW	Murphy	New case.
12/24/01	Joe & Mary Schuster	2	Admin. Order/Penalty	AQ/SW	Preziosi	New case.
12/26/01	Dean Drees; Rimade, Inc.	4	Permit Revocation	SW	Tack	New case.

During the period December 1, 2001 through December 30, 2001, 3 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October	9(5)	1	.0211	0	0(0)
November	4(1)	1	0.00133	2	0(0)
December	3(1)	2	700.002	1	0(0)
January	5(0)	1.4	.323	3	0(0)
February	2(0)	1	.00035	0	0(0)
March	10(0)	1.4	.4199	1	0(0)
April	3(0)	1.1	0.057	1	0(0)
May	10(0)	14.51	0.047	5	0(0)
June	6(0)	2	0.049	0	0(0)
July	6(0)	1.2	0.069	1	0(0)
August	9(0)	1.78	.044	0	1(0)
September	5(0)	1	.005	3	0(0)

(numbers in parentheses for same period last year)

Note: data not previously collected,
thus no data for the previous year

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	1	0	0	0	2

Mike Valde briefed the Commission on the monthly reports.

INFORMATIONAL ONLY

PROPOSED RULE – CHAPTER 65, ANIMAL FEEDING OPERATIONS (DEFINITION OF ADJACENCY FOR OPEN FEEDLOTS)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

One of the issues that has arisen during the open feedlot registration program is determining when two or more feedlots are adjacent. The issue is one of defining how closely two feedlots can be located to each other before they are considered to be one facility. Rules and law already

exist in this area for confinement feeding operations. It is proposed that the same rules that apply to confinement facilities be applied to open lots. Briefly stated, if two feedlots are separated at their closest points by less than 1250 feet, they are considered to be one operation and are required to have an operation permit.

Mike Valde briefed the Commission on the rationale behind the proposed rulemaking.

Wayne Gieselman said up until around 1995 there were published laws or rules that specified that feedlots separated by less than 1250 feet and owned by the same person are considered to be one operation. In 1995 it disappeared with the passage of laws regarding the adjacency issues dealing with confinement feeding operations. This rulemaking will recreate the original standards.

Little, Leland (Definition of Adjacency for Open Feedlots)

Leland Little, Taylor County Supervisor said this is a problem that exists today, there is a cattle feedlot of approximately 500 head within several hundred feet of a 3800 head confined hog operation. He asked if this issue would be taken into consideration and if the feedlot would require a permit. He asked if the two 500 head feedlots were owned by two different people but within the 1250 feet, would they both require permits.

Wayne Gieselman said that there are separate sets of rules for confinement and nonconfinement facilities and they are normally not combined but it may be an issue that should be looked at. If there are neighbors that each have a 500 head feedlot within the 1250 feet of each other they would not be required to get a permit because of the ownership issue. It is only considered one lot if the owners are the same.

INFORMATION ONLY

PROPOSED RULE – CHAPTER 106, RECYCLING OPERATION (RESCISSION); CHAPTER 104, SANITARY DISPOSAL PROJECTS WITH PROCESSING FACILITIES (AMENDMENT); CHAPTER 106, TRANSFER STATIONS & CITIZEN CONVENIENCE CENTERS (ADOPTION)

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

Attached for the Commission's information is a draft of the Notice of Intended Action for the proposed rule-making stated above. The Commission will be requested to approve this Notice of Intended Action at its February meeting to begin the formal rule making process on the attached proposed rules.

In response to the need to update and clarify existing administrative rules as directed by the Governor's Executive Order 8, the following brief and attachment are presented.

The Department held two advisory committee meetings. The 14-member advisory committee was comprised of representatives from solid waste agencies with transfer stations, consulting engineers, solid waste hauling and collection companies, private sector transfer stations, the Iowa

Society of Solid Waste Operations (ISOSWO) and the department. The diversity of the committee ensured that all stakeholder groups had input in the rule revision process and all appropriate issues related to the transfer of solid waste would be addressed.

Highlights of the rules revisions include:

- Adding and modifying definitions of key terms;
- New operator certification and training requirements;
- Clarification and new rules pertaining to siting and design requirements;
- Clarification and new rules pertaining to operation, record keeping and reporting; and
- Clarification and new rules pertaining to closure and financial assurance.

Liz Christiansen said Chapter 106 currently includes language regarding recycling operations. That rule will be rescinded and the language it contains will be added to the end of chapter 104 as an amendment. A new chapter 106 will then contain the information regarding citizen's convenience centers and transfer stations.

INFORMATION ONLY

GENERAL DISCUSSION

Director Jeff Vonk announced that Deputy Director Larry Wilson and Air Quality Bureau Chief Pete Hamlin would be retiring in January.

Larry Wilson said he would be leaving the job on January 31, but a good part of his heart and soul would still be here. He said he had enjoyed working with the Commission when he was director and that they had a difficult job. He encouraged the Commission to continue to work as a good team and to do good things for Iowa.

Pete Hamlin said he had worked with Commission for almost 30 years, and he would like to say that this was the best Commission the Department has had. There seems to be a very good balance of interests and concerns and it is obvious that there are Commissioner's who put a lot of time and effort in to the job.

Jim Braun distributed a hand out with some data about the nutrients produced by a facility in Clark County, which he said would show how nutrients are being legally mismanaged in this state.

(A copy of the handout is available in the Department's Record Center.)

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Vice Chairperson Murphy adjourned the meeting at 3:37 p.m., Tuesday, January 22, 2002.

Jeffrey R. Vonk, Director

Terrance Townsend, Chair

Rita Venner, Secretary

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